REMARKS

STATUS OF THE CLAIMS

Claims 1-10 have been pending in the application.

Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Ahmad (U.S. Patent No. 5,925,127).

Claims 1, 6, 8, 9 and 10 are amended, claim 3 is cancelled without disclaimer or prejudice, and, thus, claims 1-2 and 4-10 remain pending for reconsideration, which is respectfully requested.

No new matter has been added in this reply.

REJECTION

The independent claims are 1, 6, 8, 9 and 10.

1.   Independent claims 1 and 6 are amended to include the subject matter of claim 3. Further, the term "predetermined function" in the old claims 1, 6, 8, and 9 is changed to the term "*a ~~predetermined~~particular function*." In addition, the expression "type" and "the type of" in the old claim 3 are eliminated and "the application program" in the old claim 3 is changed to "the application program performing the particular function."

2.   The reason for adding the subject matter of claim 3 to claims 1 and 6 is to clarify in contrast to Ahmad the claimed present invention provides, detecting that the *particular function of the application program* is performed and *imposing a charge* for the application program *the particular function of which was performed* (e.g., amended claim 1, "a function performance detecting step for detecting that *a ~~predetermined~~particular function of an application program* installed on the client was performed; ... an accounting step for imposing charges on a user specified by the user specifying step *according to ~~the~~ frequency of performance of a particular function of the application program* detected by the function performance detecting step." The reason for using the term "a *~~predetermined~~particular function*" is to clarify this function is one of a plurality of functions an application program has. Accordingly, in contrast to Ahmad and the Office Action rejection rationale that Ahmad's "module program corresponding to a function as claimed" (page 2 of the Office Action), the Applicants emphasize that patentable weight be given to the expression, "detecting that *a*

~~predetermined~~particular *function of an application program ... was performed*," which clearly differs from Ahmad's discussion in column 1, lines 60-65, "a software program module rental method and system that allow the rental service provider to rent a particular software program module for a set period and to prevent the renter/user of that program module from unauthorized extension of the rental period." In other words, it is readily apparent Ahmad does not discuss or suggest the claimed present invention's, "*a particular function*" of the software program module. Ahmad's column 1, lines 60-65, column 2, lines 63-65, column 11, lines 1-22; and figs. 1-2, which are relied upon in page 2 of the Office Action, discuss "a particular software program module," "program module," "computer program," "program module 100," "application programs 36," other program modules 37," and "data program 38," but all fails to disclose or suggest "*a particular function*" of the same, for example, Ahmad fails to disclose or suggest "*a particular function*" of Ahmad's "particular software program module," because it is readily apparent that a particular software program module can have one or more particular functions or particular tasks.

Further, in contrast to Ahmad, the claimed present invention as recited in independent claims 1 and 6, using claim 1 as an example, provides, "detecting that *a* ~~predetermined~~particular *function of an application program ... was performed*," and "an application program specifying step for *specifying* the application *program performing the particular function*, wherein the accounting step imposes a charge according to the application program specified by the application program specifying step*."

3.   More particularly, the Office Action rejection in the Response to Arguments, pages 2-3, is traversed, as follows: The Office Action alleges and maintains from the previous Office Action, that "Ahmad teaches a module program corresponding to a function as claimed in the pending application 09/779,497." However, in Ahmad, the start of a target program module is considered as an execution. In the present invention, however, the start of a program module is not considered as an execution, if a particular function of the program module is not performed. For example, assuming a tabulation program (or program module as suggested by the Office Action and Ahmad) is started, it is readily apparent that in Ahmad, the start of the tabulation program is always considered as an execution and a charge is imposed according thereof. In contrast to Ahmad, however, in the present invention, if printing (a "*particular function*") is not performed, the start of the tabulation program (program module) is not

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considered as the execution and a charge might not be imposed. A benefit of the claimed present invention is that a program module can be, for example, tried without any chares imposed unless "*a particular function*" of the program module is used.

The Office Action alleges in page 3 "Therefore in figure 1 (element 37), Ahmad discloses a module in relation to hardware in detecting systems." Ahmad discusses element 37 in column 7, lines 1-17, which provides, "A number of program modules may be stored in the drives and RAM 25, including an operating system 35, one or more program modules 36, other program modules 37, and program data 38." However, nowhere Ahmad discusses "*a particular function*" of the other program modules 37. In other words, the Office Action alleges in page 2, "a module is a collection of routine and data structures that perform a particular task or implements a particular abstract data type." However, Ahmad fails to disclose or suggest detecting whether *a particular task* of the module has been performed. Accordingly, the claimed present invention as recited in independent claims 1, 6, 8, 9 and 10, using claim 1 as an example, is patentably distinguishing over Ahmad, because to anticipate a claim, the reference must teach every element of the claim, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)." See, MPEP 2131. Ahmad fails to disclose, either expressly or inherently, every element of the claimed present invention, "a function performance detecting step for detecting that *a ~~predetermined~~particular function of an application program* installed on the client was performed; ... an accounting step for imposing charges on a user specified by the user specifying step *according to ~~the~~ frequency of performance of a particular function of the application program* detected by the function performance detecting step." In Ahmad, the start of a target program module is considered as an execution. In the present invention, however, the start of a program module is not considered as an execution, if "*a particular function*" of the program module is not performed.

Further, in contrast to Ahmad, the claimed present invention as recited in dependent claim 2 provides, "2. (CURRENTLY AMENDED) The accounting method according to claim 1, wherein the ~~predetermined~~*particular* **function is to output data** from the client to an external device." Clearly, Ahmad fails to disclose or suggest charging based upon the claimed present invention's "*according to ~~the~~ frequency of performance of a particular function of the application program*," for example, an "*output data*" function or task.
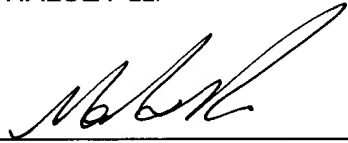
In view of the claim amendments and remarks, withdrawal of the rejection of pending claims and allowance of pending claims is respectfully requested.

CONCLUSION

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Respectfully submitted,
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